

Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro

(with amendments through December 5, 2000))

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A. Authority for Rules and Regulations

These rules and regulations for the Operation of the Water and Wastewater system of the City of Greensboro are adopted pursuant to the authority of Section 6.81 (b) of the Charter of the City of Greensboro and Section 29-6 of the Greensboro Code of Ordinances.

B. Definitions

The following terms shall be given the meanings hereinafter ascribed:

1. Building - A structure as defined in the City Building Code.
2. Connection - That part of the water or wastewater service line which runs from the main to the property line, including all appurtenances to make the service complete and ready for use.
3. Capacity Use Fee - That fee charged to partially recover directly from new customers the cost of the capacity of the utility treatment systems used to serve them.
4. Consumer - The person legally or equitably responsible for the payment of charges for water or sewer service on any premises.
5. Improved street - Any street having a wearing surface of concrete, brick, stone block, asphalt, or any bituminous compound.
6. Inflow - Water which enters the sanitary sewer system during rainfall events, through defective pipe or appurtenances in the sewer main or in the service connections or by way of illegal connections (i.e. roof drains, area drains).
7. Lateral - That portion of the water or sewer connection which include the meter box, meter setter and connection but excludes the meter.
8. Main - The water or wastewater pipe usually laid in a street generally running parallel to the property line which distributes water or collects wastewater.
9. Occupant - The consumer who is actually in possession or control of any premises.
10. Owner - The person having legal or equitable title to any premises.

11. Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, government entity or their legal representative agents or assigns.
12. Premises - Land, building, or other structure and appurtenances thereto.
13. Sewer – City owned sewer line. Public portion of the sanitary sewer system.
14. Service line - Small line which may service a house or a limited number of structures and which may be in the street or on private property.
15. Domestic Waste - Wastewater generated from human waste or any wastewater with concentrations at or below the pollutant specific numerical concentrations published by the EPA as "domestic concentrations" and not subject to any other discharge standards or requirements.
16. Properly shredded garbage - Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter inch (1/4") in any dimension.
17. Wastewater system - Shall mean facilities for collecting, pumping, treating, and disposing of wastewater and industrial waste.

C. Provisions of Service

1. Application for Connection

Every application for water or wastewater service shall list on forms provided by the City; the property owners, the street on which the lot is located, and the number of the house and/or building. When the size of the service and the applicable fees of the connection have been determined, the applicant shall pay the fees and shall be issued a permit for the desired connection. The City shall have no responsibility for the design of a sprinkler or other fire protection system. Application for a connection to serve such a system shall be made exactly as outlined above except that the size of the connection desired shall be placed upon the application.

The installation of water laterals and sewer laterals may be done by a licensed utility contractor. The installation of all laterals or settings of the required meters shall be done only after payment of appropriate fees and approval of an application for service. The City or a licensed utility contractor may install water or sewer laterals from the main to the property line and shall be responsible for all excavations, laying of pipes, backfilling and pavement replacement. Installation by utility contractor shall be by approved plans and shall be inspected by City personnel.

2. *Service Outside Corporate Limits*

All water and wastewater service to new customers outside the corporate limits who are tapping onto water and/or wastewater lines which were not installed under the existing agreement between the City of Greensboro and Guilford County shall be allowed to tap onto the respective lines only on the following conditions:

- (a) Privilege fees, in lieu of assessments, shall be charged at the same rate as is currently applicable under the contract between the City and the County.
- (b) Connection charges shall be charged at the rate as specified for connections inside the Corporate Limits. Capacity Use Fee shall be charged at the rate as specified for outside the corporate limits.
- (c) An agreement shall be signed by the customer to abide by all pertinent Laws, Rules, Regulations and Contracts on file with the City Clerk including the following conditions:
 - (1) Any unpaid water or wastewater bill shall be and remain a lien upon the property served until fully paid.
 - (2) No deposit shall be required of an owner of any premise. Deposits shall be required of all tenants in accordance with Section G-2 of these Rules and Regulations.
 - (3) No person, other than a municipality, may sell or offer for sale any water purchased from the City.
 - (4) Any property owner who is to be permitted to tap onto an existing City of Greensboro water and/or sewer line, or extend a water and/or sewer line shall prior to connecting or extending the lines execute a Utility Agreement and Annexation Petition with the City. Such

agreement shall be binding upon the heirs and successors in title.

- (5) In order for any property which is, or becomes, located within another municipality to receive, or continue to receive water and/or wastewater services from the City of Greensboro, the owner or occupant shall pay those charges established pursuant to an agreement between that municipality and the City of Greensboro.
- (6) These provisions may be revised or modified at anytime by the City of Greensboro Council. Such Council approved revisions, modifications, or policy changes shall supersede these eligibility requirements.

3. *Requirements of Connection*

Within one year after the time when any water and wastewater main is completed and ready for use, the owner of every abutting lot whereon water is supplied for human use shall cause such lot to be connected with such water and wastewater mains, provided that the Water Resources Department shall notify, in writing, the property owner of the installation of said main and the property owner shall have one year after such notification to make the said connection. Within thirty days after a water connection is made, any open dug well on the premises shall be disconnected and/or abandoned per State and County Health requirements, and within thirty days after a wastewater connection is made any privy pit or septic tank after being cleaned shall be filled with clean compacted earth to the level of the ground surface. In those areas annexed into the City through the initiative of the City of Greensboro, the owners of the properties abutting streets where both water and wastewater are available shall at the time of annexation be required to connect onto water and wastewater mains within five (5) years from the effective date of annexation. In areas where water and wastewater mains are installed after annexation, the owners abutting those streets where both water and wastewater mains have been installed shall within five (5) years from the date of installation, connect onto water and wastewater mains. However, if the property abutting streets with water and wastewater has malfunction of a well or septic tank serving the property, then the owner will be required to connect to both water and wastewater within thirty (30) days after being notified in writing either by the City or the Guilford County Health Department.

4. *Disapproval of Application*

If, in the opinion of the Water Resources Director, the water and/or wastewater connection applied for will be of such size or character as to put too great a demand on any part of the system and disrupt the City's ordinary service, he shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition.

If, at any time, changes are made by a consumer in his service requirements so as to create an unsatisfactory condition in the City's water or wastewater service, the Water Resources Director shall require the consumer to adopt remedial measures to eliminate the unsatisfactory condition. If the waste proposed to be discharged into the City's sewerage system is in the opinion of the Water Resources Director, of such a nature or of such quantity as to overload the existing sewage collection or treatment facilities, he shall disapprove the application and require the applicant to adopt remedial measures to eliminate the unsatisfactory condition. An appeal from the ruling by the Water Resources Director may be made to the City Manager and the City Manager's decision shall be final. The City shall in no way be responsible for any cost or inconvenience caused by a change in service requirements after an application has been approved or by an installation before the application has been approved.

5. *Connections Prohibited*

No person shall cause any open gutter, rain water conductor, cesspool, privy vault, or steam exhaust, or other steam apparatus to be connected to any wastewater main without specific permission from the Water Resources Director. The City will allow a drain from a dumpster pad to be tied to the sanitary sewer if the area is curbed and no water other than that which falls on the dumpster will be drained to the sewer. A one time pad charge will be made based on a 400 square foot area and 45 inches of rainfall annually.

6. *Separate Water and Wastewater Connections and Meters Required*

Each building shall have a separate water meter and where practical shall have a separate water lateral. In the event that one lateral is used for two buildings, or used to serve two or more meters for the same building, an approved separate cut-off shall be provided for each meter. Each building shall have a separate wastewater connection.

7. *Ownership of Connections*

All meters, boxes, pipes and other equipment furnished and installed by the City in a water or wastewater connection shall remain the property of the City. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the Water Resources Director or his designee, the property owner shall pay for the change of lateral as though it were a new connection and shall pay or be refunded the difference of the cost of meters in the original and new installations according to the current price of the two meters.

8. *Maintenance of Meters and Connections*

All meters and water and wastewater connections shall be maintained by the City at the City's expense, except meters required by Rule G-3 and G-4. All meters and water and wastewater connections installed by the City shall be maintained by the City at the City's expense with the exceptions below:

- (a) Meters required by Rule G-3 and G-4.
- (b) Meters installed on private property outside of the street right-of-way or easements. The property owner will be responsible for maintaining the area around the meter in good repair per Water Resources Department Standards. The meter box will be at ground level and not covered with dirt, debris, etc. The meter reader shall be able to read the meter without hindrance from brushes, trees, flowers, fences, etc.
- (c) If inadequate access is provided for reading and maintaining the meter, written notice will be given to the property owner to correct within 90 days. If not corrected within 90 days, an additional charge of \$50 shall be applied per billing in addition to estimated charges. Furthermore, water and sewer may be terminated if not corrected.

D. *Connection of Unapproved Supply*

No part of the City's water system shall be connected to any unapproved supply. If upon any premises both City water and water from any other source are used, the piping shall be completely separate. Pipes carrying water from a source other than the City's supply shall be painted yellow or a pre-approved color code or marking system.

E. Backflow Prevention

All water lines connected to the water distribution system owned and operated by the City of Greensboro for use other than domestic type shall be equipped with an approved backflow and a back-siphonage control device. Upon notice from the City of Greensboro Water Resources Department, the customer will be required to have the cross connection backflow and back siphonage control device tested by a certified tester. The customer will submit satisfactory test results to the City of Greensboro Water Resources Department within 30 days of notice. Failure to properly test could result in discontinuance of service.

F. Expansion of System

The City will maintain a program for approval of the construction or alteration of the water distribution and/or the wastewater collection system. The program will incorporate all requirements of the Division of Water Quality and/or the Division of Environmental Health for certification of the program. All design must be based on City design requirements. Upon completion of the construction or alteration of the distribution or collection system, the applicant shall submit a statement to the local approval program signed by a licensed professional engineer stating that construction was completed in substantial accordance with the approved plans and specifications and revised only in accordance with 10 NCAC 10D .0906.

1. Water and Wastewater Connections

Upon designing improvements to a street the City shall stub out water and wastewater connections to each buildable lot. When a connection terminates at the curb line, the connection shall not be extended to the property line and the meter set until the owner of the property or his agent applies for such connection. When the connection terminates at the property line, the meter shall not be set and the wastewater or water connection shall not be used until the owner of the property or his agent applies for service.

G. Application and Charges

1. *Application For Service*

A service charge of \$15.00 for all water accounts inside and outside the City shall be necessary for each new application for water service. Applications for water service shall be made in writing. Each applicant must provide proper identification and only members of the immediate family and/or relatives may be authorized to sign for the applicant. If the property owner has a property management company representing them, the Water Resources Department reserves the right to require a document stating that the management company has been empowered by the property owner to sign up for application and oversee the property. It is the property owner's responsibility to make sure the Water Resources Customer Service Division is notified if there is a change in the management company overseeing the property. It is also the property owner's responsibility to let Customer Service know when the tenant moves out of the property.

If application is made for water service to premises on which delinquent water rents are or may be due, the application may be honored but the owner of the property will be advised in writing that delinquent water rents are due, or may be due on the premises, and that if these charges are not paid, they shall become a lien against property and shall be subject to advertising with possible foreclosure of property. If it is determined that any person has moved from a previous location leaving an unpaid water bill, that person will be provided water service if all delinquent water bills and penalties charged to him, or his or her spouse, if they were living together are paid. If these delinquent water bills are not paid at the time application is made or if thirty (30) days have elapsed since previous service has been terminated, the current account without further notice, will be discontinued and delinquent fees added as per Rule G-5.

Two final bills will be sent to the new address. The customer prior to the due date of the final notice, has a right to a hearing to appeal the bill.

2. *Deposit Required*

When any tenant of any premise makes application for water to be furnished to such premises, he or she shall be required to make a deposit as hereinafter set out to guarantee payment of the final water bill due upon termination of the water service. The deposit shall not be applied to a delinquent water bill, unless the delinquent water account is determined to be the final bill and service is terminated. When such tenant has the water finally cut off, he shall upon payment of all water bills due, be entitled to the

return of his deposit, or any balance thereof. If such tenant vacates the premises without notifying the Water Resources Department and having the water cut off, he shall forfeit any balance of such deposit remaining after the water bill has been deducted there from.

The amount of such required deposit shall be as follows: For any premises used as a dwelling house, seventy-five dollars (\$75.00); for any premises used for any other purpose, such an amount as equals three (3) times the average monthly or one and one half (1-1/2) the average quarterly consumption (as the monthly or quarterly rate is allowed) of other premises devoted to the same use in the same locations category with the minimum deposit of \$100.00 being required for commercial tenants. The making of the deposit required by this Rule shall not relieve any premises of liability for the payment of any water bill incurred by any tenant. Every landlord renting or leasing premises to tenants required by this Rule to make deposit, shall immediately notify the Water Resources Department upon the occupation or vacation of the rented or leased premises by the tenant.

3. *Sewer Service Charges*

The owner of any property receiving sewer service and not using City water, except as hereinafter provided, shall have the option of installing and maintaining without cost to the City a meter or meters to measure the quantity of water received from any source other than the City's water supply system, but discharged into the City's sewers. Such meter or meters shall be installed only under the supervision and in accordance with the plans and specifications of the City or they will be charged an annual wastewater charge as approved by the City Council.

4. *Water not Discharged to Wastewater System*

Any consumer who uses water from the City's water system for an industrial or commercial purpose so that the water used is not discharged into the wastewater system of the City shall not be charged for sewer service on said quantity; provided that the water used for such industrial or commercial purposes and not discharged into the City's wastewater system shall be accurately measured at the expense of the consumer.

Any consumer using water from the City's water system for purposes other than commercial or industrial, so that the water used is not discharged into the wastewater system of the City, may install and maintain without cost to the City a meter or meters to measure the quantity of water used but not discharged into the City's wastewater system. Such meter or meters shall be installed under the supervision and in accordance with the plans and

specifications of the City. He shall not be charged for wastewater service on quantity.

5. *Discontinuance of Service*

When any consumer becomes delinquent in the payment of a regular monthly or quarterly services bill, there shall be mailed a written notice to the effect that if the service bill due is not paid on or before the date named in the notice, the water may be cut off. It may not be turned on again until the bill due has been paid together with any accumulated penalties. The notice shall also indicate that the user may request a hearing. The date named in such notice shall be fifteen (15) days from the date payable.

The customer upon his request, has a right to a hearing to appeal the discontinuance of water service at any time prior to proposed due date shown on final notice. If the consumer is a tenant, and the bill is not paid before the day following the date named in such notice, then the account is considered to be delinquent and a twenty dollars (\$20.00) penalty may be imposed. If the consumer is the owner of the property, the bill for the next billing period shall show that the bill for the previous period has not been paid. If the second bill is not paid, including the amount in arrears, a fifteen day notice shall be mailed and the \$20.00 penalty imposed as for a tenant. One week after the \$20.00 penalty is imposed an additional penalty of \$20.00 will be imposed. If water service is discontinued, the premises may then be condemned. The water may be cut on if the bill is paid within seven (7) days of the date of cutoff together with a delinquent fee of forty (\$40.00). After water has been cut off for seven (7) days at any occupied premises, the meter may be taken out and an additional fee of \$40.00 imposed.

The water service to any occupied premises shall not be restored until all service bill due together with all delinquent fees are paid.

If a consumer pays a service bill with a check that is returned unpaid for any reason, the consumer shall be informed of this occurrence and shall be given written notice mailed to the address given in his application that the water service may be terminated within seven (7) days of the date on the notice. A fee of twenty dollars (\$20.00) shall be added to the account for processing the returned check. If the water is cut off, the delinquent fee for restoring water service shall be forty dollars (\$40.00). Any other delinquent fee that would have accrued due to the past due date of the bill shall also be paid.

6. *Meters, Devices, and Testing*

All meters or other measuring devices installed or required to be used shall be under the supervision and control of the City and shall be installed

and maintained at cost to the owner of the property. Meters or other devices installed for the purpose of determining the quantity of water not discharged into the City's sewers shall be kept in repair, whether caused by ordinary wear and tear or other cause, and bills for repairs made by the City shall be added to and become a part of the wastewater bill. Any consumer may have a water meter test made by advance payment of the fee schedule based on meter size.

<u>Meter Size</u>	<u>Fees</u>
5/8" - 1"	\$ 60.00
1¼" - 1½"	\$ 90.00
2"	\$ 120.00
3" and 4"	\$ 150.00
6"	\$ 180.00
8"	\$ 210.00

If the consumption shown on the meter in question is greater than twice the average consumption for the preceding six months, and the reason for such an increase cannot be determined, the fee for testing the meter shall be waived. Since the most accurate water meters suitable for general use require a margin of approximately two and one-half percent for error, any meter which shows upon testing an error of not greater than two and one-half percent, it shall not be considered defective. If the meter is found to be over-registering in excess of two and one-half percent, refund shall be made for those billing periods up to one year in an amount equal to the total over-registration, and the fee paid for the test shall be refunded.

7. *Adjustment of Overcharges*

The Water Resources Director, or his designee, shall have the authority to adjust any water bill, provided the charge is excessive and the cause of the excessive bill has been corrected, based upon the following conditions:

- (a) If the cause is a defect in a plumbing fixture and the water is returned to the wastewater system, the adjustment shall be calculated by determining an average water bill for the preceding year and writing off one-half (1/2) of the water and wastewater bill above an average bill.
- (b) If the cause is a burst pipe or an underground leak and the waste- water is not returned to the sanitary sewer system, the adjustment shall be calculated by determining an average water

and wastewater bill for the preceding year, and writing off all the wastewater bill and one-half (1/2) the water bill above an average bill.

- (c) If the cause is a frozen and burst pipe, the adjustment shall be calculated the same as in (b) above, provided reasonable precautions have been taken to ensure that further freezing of pipes will not occur.
- (d) If the cause is of an undetermined origin, and it does not appear upon investigation that the occupants of the premises served were in any way at fault for the excessive water bill, the adjusted bill shall be calculated the same as in (a) above. However, if the above conditions exist but the premises are vacant, and the water has been turned off and later turned back on, but unknown to the owner, the City will write off one-half (1/2) the water and sewer bill.
- (e) Any excessive residential bill which exceeds its average monthly or quarterly billing by more than two hundred dollars (\$200.00) due to undetermined cause may be rebated in an amount of 90% of the amount exceeding the average billing. "Undetermined cause" means a cause which is not attributable to leaks such as burst pipes, underground leaks, and defective plumbing leaks, or known negligent or deliberate use of water. In regard to leaks, it shall be incumbent upon the customer to have the plumbing properly checked and to provide written evidence that there are no leaks on the property side of the meter.
- (f) If the high bill has been aggravated in any way by the estimating of water billed by the City, the excess as determined by the reading of the meter, shall be equally spread over the entire period since the last actual meter reading, and the excess of all but the present billing shall be written off. The resulting excess of the present high billing may qualify for further adjustment on the basis of rules as stated above.
- (g) No adjustment shall be made for a period in excess of two billing periods, and not more than one adjustment for an excessive water bill caused by the same condition shall be made within a period of two (2) years, per customer. However, if there is a second request for an underground leak adjustment within the same two year period; the customer shall be granted a second adjustment provided the sum of the second

adjustment does not exceed the amount of the previous adjustment that was given within the two year period.

- (h) The City reserves the right to demand the proof considered satisfactory that plumbing repairs have been made before an adjustment is granted.
- (i) Around the middle of each month the Water Accounts Manager shall report by memorandum to the City Manager the circumstances and disposition of each application for water bill adjustment.

H. Miscellaneous Sales of Water and Materials

1. Temporary Activities

Water from a hydrant will be furnished any circus, road show, carnival, fair, or other similar temporary user at the rate in effect for a meter on a hydrant.

2. Building Activities

Portable meters for connection to fire hydrants may be furnished by the City after an application and a deposit has been filed with the Water Resources Department. The deposit will be \$150.00 for meters up to 1 inch in size, \$200.00 for an 1½" meter, and \$300.00 for meters 2 inches and 3 inches in size. The deposit amount will be double for service provided to companies located outside Guilford County. The applicant shall be responsible for any damage to the hydrant, meter connections, etc., used in the installation, and the cost of any such damage shall be taken from the deposit. A service charge of \$20.00 per month, or any part of the month, shall be made for a meter on a hydrant in addition to the cost of the water used through the meter. After deducting the water rent, service charge, and any cost of damage to the installation, the City shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the City stock.

While in use, no wrench shall be used on the hydrant except a hydrant wrench furnished by the City.

3. Material Sales

In accordance with the provisions of Section 4.121 of the Charter of the City of Greensboro, the Water Resources Director is hereby authorized, through the City's purchasing agent, to sell from City stock to contractors, units of local government, or individual owners, water meters, water-works

fittings, materials not customarily stocked by plumbing contractors, and not available for purchase from any other source in a timely manner. Such sales shall be made on the basis of the original cost to the City of the item or items to be sold, plus reasonable overhead expenses.

I. Protection of System

No person shall contaminate any portion of the City's water supply whether the same is a reservoir, tank, pipe, or treatment facility. No person shall wade, bathe, or swim in Lakes Higgins, Brandt, or Townsend.

Inspectors, Meter Readers or authorized employees of the City, whose duty it may be to enter upon private premises to examine meters, pipes or other fixtures used in connection with the City's water and sewer service shall have free access at all reasonable hours to all parts of such premises for the purpose of inspection, meter reading, examination of fixtures, and observation of the manner in which water is used. In case any inspector is refused admittance to any premises for any such purpose or is hindered or prevented from making such examination the water shall be turned off and shall not be turned on again until free access is given.

Tampering with meters and stopcocks - No person, except a duly authorized employee of the City, shall turn the stopcock installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the City.

The fact that water is cut on to any premises by an occupant thereof without the knowledge of either the City or the owner shall not relieve such premises of liability for such unauthorized use of water.

Restaurants and food preparation businesses which discharge grease and food waste will be required to install an approved grease trap if one does not currently exist. Any individual or business which discharges any liquid or solids which will cause problems with the sewage collection system or the treatment of wastewater are deemed to be in violation of the code and will be subject to immediate discontinuance of service until the problem causing the discharge can be corrected to the satisfaction of the City.

If a user's service is found to be defective and taking on inflow or if an illegal connection is discovered then the City will require the user to repair service to acceptable condition. Users will be notified in writing and given 30 days to make necessary repairs.

All new plumbing constructed must provide a ground path back to the City water distribution system. This can be established by either the use of a metallic service line, or where PVC service lines are used, an insulated

grounding wire attached to the copper plumbing of the dwelling and connecting to the water meter setter.

J. Guarantee of Quantity, Quality or Pressure

The City of Greensboro operates its water and sewer systems based in accordance with the Federal and State regulations. The City does not guarantee the quality, quantity or pressure of its water supply. It is hereby made a portion of the terms on which the City furnished water to consumers that the City shall in no case be liable to any consumer for any defect in quality, quantity or pressure. The City shall not be liable to any consumer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. In every case where practicable ample notice, by the best means available shall be given when the water is to be cut off from any portion of the City. No City employee shall take responsibility for telling a property owner or occupant how best to care for his boiler, heater or other equipment which is affected by the discontinuance, either temporary or permanent. The owner or occupant shall be entirely responsible for his equipment and shall hold the City in no way responsible for damage thereof.

K. Pretreatment Requirements

SEWER USE AND PRETREATMENT ORDINANCE
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CITY OF GREENSBORO NORTH CAROLINA

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ARTICLE I - GENERAL PROVISIONS

Section 1 - Objectives

The purpose of this Ordinance is:

- (a) to protect the City of Greensboro Publicly Owned Treatment Works (POTWs) while providing for the maximum possible beneficial use of the City of Greensboro POTWs
- (b) to enable the City to comply with the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and other applicable Federal and State [15 NCAC 2H .0900] laws and regulations
- (c) to provide for the public health and welfare
- (d) to provide a safe working environment for all water and sewer personnel.

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (d) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system.
- (e) To enable the City of Greensboro to comply with its National Pollutant Discharge Elimination System permit conditions, air quality permit, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

THIS ORDINANCE SHALL APPLY TO ALL DISCHARGERS TO THE CITY OF GREENSBORO WASTEWATER SYSTEM. This ordinance provides for the regulation of all dischargers to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires user reporting for certain discharges, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 2 - Administration

Except as otherwise provided herein, the Industrial Waste Section of the Utilities Department shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the City Manager, Public Utilities Director, Wastewater Treatment Manager or Industrial Waste Section Supervisor may be delegated to other City personnel.

Section 3 - Abbreviations

The following abbreviations when used in this ordinance, shall have the designated meanings:

BOD -	Biochemical Oxygen Demand
CFR -	Code of Federal Regulations
COD -	Chemical Oxygen Demand
CWA -	Clean Water Act
EPA -	Federal Environmental Protection Agency
gpd -	gallons per day
IWS -	City of Greensboro Industrial Waste Section
l -	Liter
mg -	Milligram
mg/l -	milligrams per liter
N.C.G.S. -	North Carolina General Statutes
NPDES -	National Pollutant Discharge Elimination System
POTW -	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC -	Standard Industrial Classification
SIU	Significant Industrial User
SWDA -	Solid Waste Disposal Act, 42 U.S.C. 6901 et. seq.
TSS -	Total Suspended Solids
U.S.C. -	United States Code

Section 4 - Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the following meanings:

ACCIDENTAL DISCHARGE. Any release of wastewater which, for any unforeseen reason, fails to comply with any prohibition or limitation in this Ordinance or a discharge permit.

ACT or "the ACT". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

ALLOCATION OR LOCAL POLLUTANT ALLOCATION. A concentration or mass-based pollutant-specific loading allocated to a user by the Industrial Waste Section under the provisions of the Local Pollutant Allocation Program. Allocations are issued for certain pollutants not specifically required to be limited in a wastewater discharge permit. Local Pollutant Allocations are issued in a separate local control document.

APPROVAL AUTHORITY. The Director of the Division of Environmental Management - North Carolina Department of Environment, Health, and Natural Resources or a designated representative.

AUTHORIZED REPRESENTATIVE OF THE USER. See "Signatory Official".

BIOCHEMICAL OXYGEN DEMAND. A standard test used in determining sewage ~ ength. The measure of decomposable organic material in domestic or industrial wastewater as represented by the Quantity of oxygen utilized over a period of 5 days at 20 degrees centigrade usually expressed as a concentration [milligrams per liter] and as determined by the appropriate procedure outlined in the current edition of Standard Methods for the Examination of Water and Wastewater.

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

BYPASS. The intentional diversion of wastestreams from any portion of a user's treatment facility.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section(s) 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. Any discharger subject to a Categorical Pretreatment Standard is a "Significant Industrial User" by EPA definition.

CITY. The City of Greensboro, North Carolina or any duly authorized representative acting in behalf of the City.

COMPOSITE SAMPLE. A sample which is a minimum of four grab samples collected [manually or mechanically] at equally spaced time intervals and may be proportioned according to flow.

COOLING WATER (Contact). Water used for cooling purposes which comes into direct contact with raw material, intermediate product, waste product or finished product.

COOLING WATER (Non-Contact). The water discharged from any use (such as air conditioning, cooling, or refrigeration, etc.) or to which the only pollutant added is heat.

DOMESTIC WASTE. Wastewater generated from human excrement and gray water [i.e. bathrooms, household showers, dishwashing, etc.] or any wastewater with concentrations at or below the pollutant specific numerical concentrations published by the EPA as "domestic concentrations" and not subject to any other discharge standards or requirements.

ENVIRONMENTAL PROTECTION AGENCY, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

INDUSTRIAL USER. Any non-domestic discharger to the POTW who does not meet the criteria for a "Significant Industrial User" as defined in this section.

INDUSTRIAL WASTE SECTION. The Section of the Utilities Department, Wastewater Division, which has been designated by the City of Greensboro to develop, administer, implement and enforce the City of Greensboro Industrial Waste Pretreatment Program and the Sewer Use and Pretreatment Ordinance.

INTERFERENCE. A discharge, which alone or in conjunction with a discharge or discharges from other sources, both: inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause, or contributes to, a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, 40 CFR Part 503 [Standards for the Use or Disposal of Sewage Sludge], the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of sludge disposal or use employed by the POTW.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NATIONAL (FEDERAL) CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. See "Categorical Pretreatment Standard".

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD. Absolute prohibitions against the discharge of certain substances. These mandatory prohibitions were developed by the Federal EPA and appear in Article II, Section 1 of this ordinance under the authority of 307(b) of the Act and 40 CFR Part 403.5.

NEW SOURCE.

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such a source if such standards are thereafter promulgated in accordance with that section, and provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria as outlined above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of a continuous onsite construction program:
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

NPDES or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued pursuant to Section 402 of the Act. NPDES permits are issued by the State of North Carolina for discharge directly to the surface waters of the State. The City of Greensboro holds two NPDES permits for discharges from the two Greensboro POTWs.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the City of Greensboro NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, copartnership, firm, company, corporation association, joint stock company, trust, estate, governmental entity or their legal representative, agents or assigns.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution. A pH value of 7.0 is neutral, being neither acid nor alkaline. Values below 7.0 are acid and those above 7.0 are alkaline (basic).

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or other means except by diluting the concentration of the pollutants unless allowed by the IWS or an applicable pretreatment standard.

PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the City of Greensboro in compliance with 40 CFR 403.8 and approved by the Approval Authority in accordance with 40 CFR 403.11.

PRETREATMENT REQUIREMENT. Any substantive or procedural requirement related to the pretreatment program imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards and local limits [established by the City of Greensboro in accordance with the State of North Carolina Local Limits Guidance Criteria].

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City of Greensboro. This definition includes any devices or systems used in the collection, storage, and treatment of domestic and industrial wastewater and any conveyances which convey wastewater to a treatment plant. For the purposes of this ordinance, "POTW" shall also include all sewers that convey wastewater to the POTW from persons outside the city limits of Greensboro who are users of the Greensboro POTWs.

QUALIFIED LABORATORY.

- (1) For commercial laboratories; laboratories currently certified by the North Carolina Department of Environment, Health and Natural Resources for a particular analysis.
- (2) For all other laboratories, including in house laboratories; laboratories accepted and approved by the Industrial Waste Section.

SHALL is mandatory: MAY is permissive.

SIGNATORY OFFICIAL. An authorized representative of any industrial user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities-from which the discharge originates, (i.e. plant manager or environmental manager).

SIGNIFICANT INDUSTRIAL USER.

- (1) A user subject to a categorical pretreatment standard
- (2) A user that:
 - (a) discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or
 - (b) contributes a process wastestream which makes up five percent (5%) or more of any design capacity of the POTW treatment plant; or
 - (c) is designated as such by the Industrial Waste Section on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SIGNIFICANT NONCOMPLIANCE. [from 40 CFR Part 403.8(f)(2)(vii)]

The term significant noncompliance shall mean: Any violation(s) that meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here are those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Industrial Waste Section determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such discharge;
- E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, required reports, such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations which the City of Greensboro determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG LOAD or SLUG. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article II, Section 1 of this ordinance.

STANDARD INDUSTRIAL CLASSIFICATION. A numerical classification pursuant to the Standard Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

STATE. The State of North Carolina.

STORM SEWER OR STORM DRAIN. A sewer or drain designed, constructed and intended to carry storm and surface waters and drainage, but NOT wastewater.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt. Storm water also includes any precipitation contained in an impounded or diked area or facility.

SUSPENDED SOLIDS. Solids that either float on the surface of; or are in suspension in, water, sewage or other liquids; and which are largely removable by laboratory filtering as determined by the appropriate procedure in the Standard Methods for the Examination of Water and Wastewater, and expressed in parts per million or milligrams per liter by dry weight.

TOXIC SUBSTANCE. Any substance whether gaseous, liquid, or solid, which when discharged into the wastewater system in sufficient quantities may tend to interfere with any wastewater treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the wastewater plant. These substances include but are not limited to those listed as toxic in regulations promulgated by the EPA under the provisions of CWA 307(a) or other acts.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

USER. Any person who contributes, causes or permits the discharge of wastewater into the City's POTW.

WASTEWATER. The liquid and water-carried industrial and domestic wastes from domestic, industrial, or commercial uses as well as other waters that have been used in man's activities, whose quality has been degraded, and which is discharged to a POTW.

WASTEWATER DISCHARGE PERMIT/DOCUMENT. As set forth in Articles III, IV, V and VI of this Ordinance.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon North Carolina or any portion thereof.

ARTICLE II - GENERAL SEWER USE REGULATIONS

It is the purpose of this article to set forth general regulations applicable to all users of the wastewater treatment system. These general prohibitions and regulations apply to all users of the POTW whether or not they are significant industrial users or are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.

DISCHARGE REQUIREMENTS, STANDARDS AND PROHIBITIONS

Section 1 - Prohibited Discharge Standards

- A. General Prohibitions. No user shall discharge or cause to be discharged into the POTW any pollutant or wastewater which causes pass through or interference.
- B. Specific Federal Prohibitions. No user shall discharge or cause to be discharged into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 standard units.
 - (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
 - (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration, either singly or by interaction with other pollutants, which will cause interference with the POTW.
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the introduction into the POTW Treatment Plant exceeds 40 degrees Centigrade or 104 degrees Fahrenheit.
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the City of Greensboro.
- C. Other Prohibitions. No user shall discharge or cause to be discharged into the POTW the following pollutants, substances, or wastewater:
 - (1) Any noxious or malodorous liquid, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or health hazard or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (2) Wastewater having color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW effluent.
 - (3) Wastewater containing any radioactive wastes or isotopes except those specifically approved by the Industrial Waste Section in compliance with applicable State or Federal regulations.

- (4) Storm water, surface water, groundwater, artesian well water, roof runoff and subsurface drainage unless specifically authorized by the Industrial Waste Section.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could likely be discharged to the POTW.

Section 2 - National (Federal) Categorical Pretreatment Standards

Users subject to [Federal] categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471. In addition, any user subject to a categorical pretreatment standard is a "significant industrial user" by EPA definition and must apply for a "Significant Industrial User" (SIU) Wastewater Discharge Permit. [See Article IV of this Ordinance for specific requirements for all SIUs subject to a Federal Categorical Pretreatment Standard.]

Section 3 - Local Limits - POTW Protection Criteria Values

No user shall discharge wastewater containing in excess of the following unless such discharge is allowed by a wastewater discharge permit or document issued in accordance with this ordinance.

0.004 mg/l	arsenic
0.004 mg/l	cadmium
0.06 mg/l	chromium
0.08 mg/l	copper
0.05 mg/l	cyanide
0.06 mg/l	lead
0.001 mg/l	mercury
0.05 mg/l	nickel
0.05 mg/l	selenium
0.20 mg/l	zinc
250 mg/l	BOD
250 mg/l	TSS

The above limits apply at the point where the wastewater is discharged to the POTW. Industrial user-specific local limits for appropriate pollutants of concern shall be developed in accordance with the State of North Carolina Local Limits Guidance Criteria and any applicable limits shall be included in individual Significant Industrial User wastewater discharge permits.

Section 4 - Solids Disposal/RCRA Compliance

Solids, sludges, filter backwash, or other pollutants removed and/or generated through business activities or pretreatment or control of wastewaters, shall be disposed of in such a manner as to prevent pollutants from these materials from entering the sanitary sewer system or surface waters of the State of North Carolina. All industrial users are responsible for assuring compliance with all requirements regarding the generation, treatment, storage and/or disposal of "hazardous wastes" as defined in the Federal Resource Conservation and Recovery Act (RCRA).

Section 5 - Point of Discharge

No person or user shall discharge waste, wastewater, or any other substance directly into a manhole, clean-out pipe, or other opening in a sanitary sewer other than through an approved building sewer without prior designation by the Industrial Waste Section as an approved point of discharge.

Section 6 - Discharge To Other Outlets Prohibited

It shall be unlawful for any user to discharge to any outlet other than a sanitary sewer, any domestic or industrial wastes except where an appropriate NPDES Permit has been obtained from the State of North Carolina for the specific discharge.

Section 7 - Permit Required for Use of Sanitary Sewer System

No person, who does not have permission from the City, shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the City.

Section 8 - Dilution Prohibition

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the wastewater discharge permits/documents or in any other pollutant specific limitation or allocation developed by the City unless expressly authorized by the IWS or an applicable pretreatment standard or requirement, with the sole exception of complying with pH standards.

Section 9 - Pretreatment Facilities

All users shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater characteristics to achieve compliance with applicable National Pretreatment Standards, or to meet any other wastewater condition or limitation contained in this ordinance or the user's wastewater discharge permit/document. Any pretreatment facility shall be provided, operated, and maintained at the user's expense.

Detailed plans outlining pretreatment facilities and operating procedures shall be submitted, if requested, to the Industrial Waste Section for review and shall be acceptable to the Industrial Waste Section before construction of the facility. The review and acceptance of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to achieve effluent compliance.

Prior to beginning construction the user shall also obtain all building, plumbing, and/or other permits that may be required by the City of Greensboro.

The Industrial Waste Section may require "as built" drawings to be submitted for complex pretreatment facilities, upon completion of the facility. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Industrial Waste Section prior to the user's implementation of the changes.

Section 10 - Additional Pretreatment Measures

- A. Whenever necessary the City of Greensboro may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and/or determine the user's compliance with the requirements of this ordinance or any applicable wastewater discharge permit or document.
- B. The City of Greensboro may require any user discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

Section 11 - Accidental Discharge Prevention

All users shall provide such facilities and institute such procedures as are necessary to prevent or minimize the potential of accidental discharge into the POTW or the surface waters of the State of North Carolina, of waste regulated by this ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds. The Industrial Waste Section can require any user to install additional facilities or develop additional procedures to prevent accidental discharges. Failure to provide these additional facilities and procedures shall be a violation of this ordinance.

The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharges of waste shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or development of procedures which will prevent or minimize the potential for accidental discharges. Plans for any required procedures or facilities shall be submitted to the Industrial Waste Section for review. Upon approval by the IWS, the implementation of the procedure and/or construction of the facility may become a special condition of the user's wastewater discharge permit/document.

REPORTING REQUIREMENTS

Section 12 - Accidental Discharge Notification

In the case of an accidental discharge (of any petroleum product, hazardous waste, hazardous and/or toxic chemical, product, or pollutants regulated by this ordinance or a permit/document issued under this ordinance) into the sanitary sewer system, the storm sewer system, or the surface waters (creek, stream, etc.), it is the responsibility of the user to immediately telephone and notify the Fire Department using the 911 code. The notification shall include location of discharge, type of product or waste, volume, corrective actions planned and the identity of the caller.

Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW or the surface waters nor from liability of fish kills or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this ordinance or other applicable law. However, failure to notify shall be a significant violation of this ordinance and/or the user's wastewater discharge permit and is subject to enforcement action up to and including termination of service or revocation of the user's wastewater discharge permit.

The IWS may require the user to submit a written report within five (5) working days following an accidental discharge. The report, if required, shall include a detailed description of the cause of the discharge, the measures to be taken by the user to prevent similar future occurrences and any disciplinary action taken against those responsible for the incident.

A notice shall be permanently posted at a prominent place in the user's plant advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who observe or who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Section 13 - Changes in Industrial Wastewater Discharges

All industrial users and significant industrial users shall notify the Industrial Waste Section in advance of any substantial change in the volume or character of pollutants in their discharge. A substantial change shall be deemed to be proposed if substances, compounds, and elements not previously constituting any part of a Significant Industrial User's industrial wastewater are to be introduced into such wastewater or if the average concentration of any substance, compound or element in the wastewater or average volume proposed to be discharged will increase by twenty-five percent (25%) or more over that for which the permit was issued or if the change in character or volume of the industrial wastewater would change the user's classification to a Significant Industrial User as defined in Article I - Section 4. In the case of doubt as to whether an intended change constitutes a substantial change, it shall be the responsibility of the user intending to make such change to make the necessary notification or obtain a written ruling from the Industrial Waste Section that an application for a new permit is not required.

Section 14 - Notification of the Discharge of Hazardous Waste

- A. A user shall notify the Industrial Waste Section, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Article II, Section 13 of this Ordinance. The notification requirement in this section does not apply to pollutants subject to categorical pretreatment standards and already permitted by the IWS.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Part 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Part 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Industrial Waste Section, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder or any applicable Federal or State law.

Section 15 - Report Submittals

All reports required under the authority of this ordinance shall be submitted to the following address:

City of Greensboro
Industrial Waste Section
Osborne Wastewater Treatment Facility
P.O. Box 3136
Greensboro, North Carolina 27402

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. Reports due on dates which fall on a Saturday, Sunday or legal holiday will be considered to be submitted on time if submitted on the next calendar day which is not a Saturday, Sunday or legal holiday.

Section 16 - Record Keeping

Any users subject to the reporting requirements of this ordinance shall retain for a minimum of 3 years any records of monitoring activities and results, and shall make such records available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation regarding the user or the City.

COMPLIANCE MONITORING AND INSPECTION

Section 17 - Right of Entry: Inspection and Sampling

The Industrial Waste Section shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit/document issued hereunder. Users shall allow the Industrial Waste Section ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties. If an authorized City representative is refused admittance to any premises for any such purpose or is hindered or prevented from making such examination or monitoring, the water service shall be turned off and shall not be turned on again until free access is given. The City of Greensboro Industrial Waste Section hereby defines any user who fails to admit City personnel for said purposes as being in Significant Noncompliance with pretreatment requirements.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Industrial Waste Section will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Industrial Waste Section shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

- C. The Industrial Waste Section may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at the user's own expense. All devices used to measure wastewater flow and quality shall be calibrated according to the manufacturer's instructions to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the sampling facility or areas to be inspected and/or monitored shall be promptly removed by the user at the written or verbal request of the Industrial Waste Supervisor. The costs of clearing such access shall be born by the user.
- E. The Industrial Waste Section may inspect the facilities of any user in order to ensure compliance with the ordinance and any applicable wastewater discharge permit/document. Such inspection shall be made with the consent of the owner, manager or signatory official. If such consent is refused the Industrial Waste Supervisor may seek issuance of a search warrant.
- F. In the event of an emergency affecting the public health or safety, or an immediate threat to the environment or POTW, such inspection may be made without consent or the issuance of a warrant.

Section 18 - User Monitoring Requirements

All users not required to obtain a wastewater discharge permit/document shall provide appropriate reports to the Industrial Waste Section in response to a written notification or ordinance requirement.

The Industrial Waste Section may, by regulation, order, permit, written notification, enforcement action or otherwise, require any user who discharges into the wastewater system to:

1. Establish and maintain records;
2. Submit reports;
3. Install, calibrate, use and maintain monitoring equipment or methods;
4. Sample discharges and effluents (in accordance with the methods, at the locations, at the intervals, and in the manner as the Industrial Waste Section shall prescribe); and
5. Provide other information relating to discharges into the wastewater system.

The activities outlined above shall be related to ensuring compliance with this ordinance [or related State or Federal regulations], any applicable wastewater discharge permit/document or protection of the POTW, the public or POTW personnel.

Section 19 - Split Samples

When so requested by the industrial user, samples collected by the Industrial Waste Section staff will be split with the industrial user for verification of analytical results. However, determination of the character, strength, or quantity of the wastes as made by the Industrial Waste Section shall be binding as a basis for computation of fees/charges by the City of Greensboro. All valid data shall be used for compliance determination and in enforcement actions.

Section 20 - Wastewater Analyses Methodology

All measurements, sampling, tests and analyses of the characteristics or properties of water and wastewaters conducted to determine compliance with this ordinance or any wastewater discharge permit or document shall be performed in accordance with the procedures outlined in 40 CFR Part 136 as amended (copies of this particular regulation are available from the IWS). Any test not included in the 40 CFR Part 136 regulation may be performed using accepted laboratory methodology for that particular analysis or pollutant.

All user self-monitoring data submitted for compliance determination shall be performed by a "qualified laboratory" as defined herein.

Section 21 - Protection of Equipment

No person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove any equipment or materials which are part of the sanitary sewer system or which are used by the Industrial Waste Section for the purposes of making waste examinations and waste flow measurements or monitoring and left upon the premises of a person discharging wastes into the sanitary sewer system. Only persons authorized by the Industrial Waste Section will be allowed to uncover, adjust, maintain, and remove such equipment and materials.

Section 22- Determination of Wastewater Volume

The volume or quantity of wastewater discharged by any user into the sanitary sewer system shall be measured by one or more of the following methods:

1. If the volume of water used by any user in industrial or process operations is substantially the same as the volume secured from the municipal potable water system, then the volume of water purchased shall be considered to be the volume of water discharged.
2. If a substantial portion of the water secured from the municipal potable water system is not used for industrial purposes in a user's facility or is not returned to the sanitary sewer system, the quantity of wastewater discharged shall be determined by one or more of the following methods:
 - A. By a meter(s) on the water supply line(s) to industrial and process operations;
 - B. By a meter(s) on the waste line(s) from industrial and process operations.
 - C. By an approved "return factor" established by the Industrial Waste Section.
3. If any user now discharging or proposing to discharge industrial waste into the sanitary sewer system does not secure his entire water supply requirements from the municipal potable water system, such user shall install and maintain a meter(s) on the waste line(s) from the industrial and process operations or shall install such additional meters on the private water supply as required to permit determination of the total quantity discharged to the sanitary sewer system from both sources.

All sources of water supply and all discharges of wastewater into the sanitary sewer system must be identified. Any omissions shall be considered as unauthorized use of the sanitary sewer system.

ARTICLE III - GENERAL PERMITTING PROCESS

It is the purpose of this article to present general permitting process provisions for all types of discharge permits and discharge documents issued by the Industrial Waste Section of the City of Greensboro. All user permit limits and conditions shall take precedence in any contradictions to this ordinance.

TYPES OF WASTEWATER DISCHARGE PERMITS/DOCUMENTS

Section 1 - Types of Permits/Documents

The Industrial Waste Section may issue the following permits and documents associated with the discharge of wastewater to the City of Greensboro sanitary sewer system:

- A. Significant Industrial User (SIU) Wastewater Discharge Permit
- B. Industrial User (IU) Wastewater Discharge Permit
- C. Local Pollutant Allocation Document
- D. Groundwater Remediation Discharge Permit
- E. Aquifer Test Temporary Groundwater Discharge Permit
- F. Special Wastewater Discharge Permit
- G. Letter of Acceptance Document
- H. Septage Hauler Discharge Permit

These permits and documents are issued under the authority of this ordinance and as such are all subject to the general requirements, enforcement provisions, and administrative procedures.

Section 2 - Applicability

Any user who desires to discharge wastewater containing pollutant concentrations which do NOT exceed the POTW protection criteria values established by the Industrial Waste Section shall not require a wastewater discharge permit, provided the user does not meet any other permitting criteria for any type of permit issued by the Industrial Waste Section of the City of Greensboro.

PERMIT/DOCUMENT APPLICATIONS

Section 3 - Application Submittal

All users required to obtain a wastewater discharge permit/document must submit a permit application. Any user who desires to discharge wastewater containing pollutant concentrations which exceed the POTW protection criteria values established by the Industrial Waste Section or meets any other permit criteria established herein must complete and submit the appropriate application form. New dischargers shall file applications 90 days prior to commencement of discharges and existing dischargers shall file applications within 30 days of notification by the Industrial Waste Section, unless such time is extended for good cause.

Section 4 - Application Contents

The Industrial Waste Section may require all users to submit as part of an application the following information:

- A. Estimated wastewater strength, wastewater characteristics, estimated wastewater flow, average and peak wastewater discharge flow;
- B. Description of activity, facilities, and plant process on the premises, including a list of all raw materials and chemicals used or stored at the facility, type and amount of raw material processed;
- C. Each product produced by type, amount, process or processes, rate of production and SIC number;
- D. Number and type of employees and hours of operation
- E. Site plans, floor plans and details to show all sewers, floor drains and points of discharge
- F. Any other information "as may be deemed necessary by the Industrial Waste Section in order to evaluate the proposed wastewater discharge.

The Industrial Waste Section is authorized to develop an official permit/document application for each type of permit or document issued.

Section 5 - Complete Applications

A complete application consists of the appropriate official application form, any additional information and analyses requested by the IWS and, for some facilities an on-site inspection.

Section 6 - Incomplete Applications

The Industrial Waste Section will act only on applications that are complete. An incomplete application shall be returned to the applicant with a statement of the nature of the deficiency.

Section 7 - Application Evaluation and Decisions

Upon receipt of a complete application the Industrial Waste Section shall review and evaluate the application and take the following actions:

- A. Within 90 days shall issue, deny, or renew a permit, or make a determination that a permit is not required. [A permit denial would be based on the applicant's potential to cause or contribute to pass through, or an upset of the POTW, or air quality permit or sludge disposal regulation violation. A denial may also be based upon available pollutant capacity at the receiving POTW.] The applicant will be notified by mail of the decision of the Industrial Waste Section.
- B. The applicant shall have thirty (30) days from and after receipt of the decision of the Industrial Waste Section to submit written objections in regard to any permit limit, condition, or denial. The IWS may, but shall not be required to, schedule a meeting with the applicant's authorized representative following receipt of the applicant's objections, and attempt to resolve disputed issues concerning the permit. Appeals shall be made in accordance with the procedures outlined in Article VIII of this Ordinance.

- C. The State of North Carolina Department of Environment, Health, and Natural Resources, Pretreatment Division shall have thirty (30) days to review any permit or denial for any SIGNIFICANT INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT and may make general comments, objections, or recommendations to any limit, condition or decision with respect to the SIU permit.
- D. If no written objections are received within thirty (30) days the decision of the Industrial Waste Section shall be final and the permit, if issued, shall be considered final and binding.

GENERAL PERMIT PROVISIONS

Section 8 - Compliance Required

No permit or document holder shall discharge industrial wastewater or groundwater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit or document. Any person desiring to modify his or her discharge in a manner that would violate conditions of such permit/document must first apply for an amended permit/document.

Section 9 - Discharge Prohibited Where Permit Denied

In any case where a final determination has been made denying a permit/document, it shall be unlawful for any person so denied permission to discharge industrial waste or groundwater into the sanitary sewer system.

Section 10 - Duration of Permits

Wastewater Discharge Permits and documents shall be issued or renewed for a specified time period not to exceed five (5) years, and shall expire on a specific date. A Letter of Acceptance Document is the only exception to this provision.

Section 11 - Permit/Document Transfer

Wastewater Discharge Permits and documents are NOT transferable. Discharge permits and documents are issued to a specific user for a specific operation. A wastewater discharge permit/document shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation. In the event of any change in control or ownership of facilities from which the authorized discharge emanates or is contemplated, the permittee shall notify the prospective owner or controller by letter of the existence of the permit/document and of the need to obtain a permit/document in the name of the prospective owner. A copy of the notification letter shall be forwarded to the city of Greensboro Industrial Waste Section.

Section 12 - Permit Renewal

A User must apply in writing for renewal of a permit by submitting a new application within the time period specified in the permit.

Section 13 - Continuation of Expired Permits

An expired permit/document will continue to be effective and enforceable until the permit is reissued if:

- A. The permittee has submitted a complete application in compliance with the renewal requirement contained in the existing permit; and
- B. The failure to reissue the permit/document, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

Section 14 - Permit Reopener

Wastewater Discharge Permits/Documents can be reopened and modified if changes are necessary in order for the POTW to meet State Water Quality Standards, NPDES permit limitations, air quality permit limits or to protect the POTW from interference, pass through, or sludge disposal problems.

In addition, a wastewater discharge permit can be reopened in order to include any applicable National (Federal) Categorical Pretreatment Standards.

Any permit/document can also be reopened at the request of the user. Permit/document modification requests shall be submitted in writing to the Industrial Waste Section.

Section 15 - Modification of Permits

An industrial user may apply for modification of a wastewater discharge permit by filing a new application form showing substantial, significant and material changes that have been proposed since filing the original application. No application for modification will be considered unless it demonstrates such changes.

After review of the application Industrial Waste Section may at its discretion modify the original permit. If such application rejected, the existing permit shall remain in full force and effect.

The terms and conditions of the permit/document may be subject to modification and changed by the Industrial Waste Section during the life of the permit. The Industrial Waste Section may in their sole discretion place further restrictions, limitations and conditions in a permit/document. The user shall be informed of any proposed changes in the permit at least sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. A user may request a hearing on modifications to the permit/document in accordance with the appeal provisions of Article VIII of this ordinance.

ARTICLE IV - SIGNIFICANT INDUSTRIAL USER PERMITTING AND REQUIREMENTS

The purpose of this article is to outline additional regulations and provisions which are applicable to Significant Industrial Users (SIUs) of the City of Greensboro wastewater system. Significant Industrial Users must also comply with all of the general regulations contained in this ordinance.

APPLICABILITY

Section 1 - Significant Industrial User (SIU) Definition

A Significant Industrial User is defined by EPA as an industrial user that discharges process wastewater into a publicly owned treatment works and meets at least one of the following:

- A. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- B. Any other industrial user that:
 - (1) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non contact cooling and boiler blowdown wastewater); or
 - (2) contributes a process wastestream which makes up five percent (5%) or more of any design capacity of the POTW treatment plant; or
 - (3) is designated as such by the City of Greensboro Industrial Waste Section on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SIGNIFICANT INDUSTRIAL USER REQUIREMENTS

Section 2 - SIU Permit Requirement

It shall be unlawful for any Significant Industrial User to connect or discharge to the POTW without first obtaining the permission of the City of Greensboro.

All new source Significant Industrial Users shall apply for and obtain a Significant Industrial User Wastewater Discharge Permit from the City of Greensboro prior to discharging process wastewater to the City POTW.

Any existing user that becomes a significant industrial user due to an increase in the volume of process wastewater discharged, an increase in the amount of pollutants discharged, the promulgation of a new categorical pretreatment standard or the determination that a categorical pretreatment standard is applicable shall submit an application for a Significant Industrial User Permit to the Industrial Waste Section within ninety (90) days of becoming aware of the requirement.

Section 3 - SIU Wastewater Discharge Permit Application

When requested by the Industrial Waste Section, a user must submit information on the nature and characteristics of its wastewater discharge within the time specified by the City. All users required to obtain an SIU wastewater discharge permit must submit an SIU permit application. The Industrial Waste Section is authorized to develop the application form for this purpose and may periodically require users to update this information.

A "complete" SIU application consists of the official SIU application form, any additional information and analyses requested by the IWS and an on-site inspection.

Section 4 - SIU Document Certification and Signatory Requirements

All SIU wastewater discharge permit applications and SIU reports must be signed by the "signatory official" of the facility and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Section 5 - SIU Slug Discharge Control

At least once every two (2) years, the Industrial Waste Section shall evaluate whether each significant industrial user (SIU) needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The Industrial Waste Section may require any user to develop, submit for approval and implement such a plan. A slug discharge control plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibited discharge standard included in Article II, Section 1 of this ordinance, with procedures for follow-up written notification within five days, if required.
4. Procedures to prevent adverse impact from any accidental spill or slug discharge, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

SIGNIFICANT INDUSTRIAL USER REPORTING

Section 6 - Moving or Closing Business

Any Significant Industrial User who will be closing their facility or moving a facility from its present location must notify the Industrial Waste Section in writing thirty (30) days before disposing of any process waste or process wastewater associated with the move or the cessation of business. Failure to notify the IWS prior to discharging such waste or wastewater into the POTW may subject the user to enforcement action.

Section 7 - SIU Periodic Reports

- A. Any Significant Industrial User required to self-monitor or submit pollutant certification reports by the Industrial Waste Section shall submit such reports at a frequency determined by the Industrial Waste Section Supervisor, but in no case less than twice per year [by June 30 for the semi-annual period beginning January 1 and ending June 30, and by December 31 for the semi-annual period beginning July 1 and ending December 31].

The reports shall indicate the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.

- B. If a categorical significant industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Industrial Waste Section, using the procedures prescribed in 40 CFR Part 136, the results of this additional monitoring shall be included in the report.
- C. Any conflicts in report due dates between this ordinance and an SIU Permit shall be governed by the Significant Industrial User Permit requirements.

SIGNIFICANT INDUSTRIAL USER SIGNIFICANT NONCOMPLIANCE

Section 8 - State Semiannual Noncompliance Report (SNCR) and EPA Required Public Notice of SIU Significant Noncompliance

The State of North Carolina Pretreatment Regulations (T15: 02H .0900...) require the City of Greensboro Industrial Waste Section to submit an SIU Semiannual Noncompliance Report. This report lists all SIUs in "significant noncompliance" with any permit limit, pretreatment standard or pretreatment requirement.

The Federal Pretreatment regulations 40 CFR Part 403.9(f)(2)(vii) require that the City of Greensboro publish at least annually in the largest daily newspaper circulated in the City of Greensboro, a list of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements.

For the purposes of these two provisions, a significant industrial user is in significant noncompliance" if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here are those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Industrial Waste Section determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such discharge;
- E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, required reports, such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations which the Industrial Waste Section determines will adversely affect the operation or implementation of the local pretreatment program.

ADDITIONAL REQUIREMENTS AND PROVISIONS FOR CATEGORICAL SIGNIFICANT INDUSTRIAL USERS

Section 9 - National (Federal) Categorical Pretreatment Standards

National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter 1, Subchapter N, Parts 403-471 and are hereby incorporated herein.

Any user subject to a Federal categorical pretreatment standard is required to comply with the applicable standard.

Section 10 - Categorical Pretreatment Standards as Permit Limits

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Industrial Waste Section may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Industrial Waste Section shall impose alternate limits using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E. A user may request removal credits for a categorical pretreatment standard in accordance with 40 CFR 403.7.

Section 11 - Categorical Significant Industrial User Reporting: Baseline Monitoring Reports and 90 Day Compliance Reports

- A. **Baseline Monitoring Report Requirement.**
BMR for Existing Categorical Significant Industrial Users - Within one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard [or one hundred and eighty (180) days after the final administrative decision made upon a category determination submission, whichever is later] existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall submit to the Industrial Waste Section a "Baseline Monitoring Report" which shall contain the following:
 - 1. Identifying Information. The name and address of the facility as well as the name of the operator and owner.
 - 2. Environmental Permits. A list of any environmental control permits held by the facility.
 - 3. Description of Operations. A brief description of the nature, average rate of production, and SIC of the operation(s) carried out by the industrial user, along with a schematic. process diagram which indicates points of discharge to the POTW from the regulated processes
 - 4. Flow Measurement. Average daily and maximum daily flows from regulated process wastestreams [and other wastestreams if the combined wastestream formula is to be used].
 - 5. Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of at least one composite sample, representative of daily operations, and analysis identifying the concentration [or mass where required by the Standard] of regulated pollutants in the discharge from each regulated process.
 - (c) A minimum of four (4) grab samples must be used for any of the following applicable standards: pH, cyanide, total phenols, oil and grease, sulfide and volatile organics.
 - (d) Time, date, place of sampling and methods of analysis.

6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to any schedule required by this section:
 - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the SIU to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
 - (b) No increment referred to above shall exceed nine (9) months;
 - (c) The user shall submit a progress report to the Industrial Waste Section no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it compliance with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule; and
 - (d) In no event shall more than nine (9) months elapse between such progress reports to the Industrial Waste Section.

BMR for New Source Categorical Significant Industrial Users - At least ninety (90) days prior to commencement of discharge, New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Industrial Waste Section a report which contains the information listed above as 1 through 5 of this section. New Sources shall give estimates of the information requested in 4 and 5 of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

B. 90 Day Compliance Report Requirement.

Existing and New Source Categorical Significant Industrial Users – Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, within ninety (90) days following commencement of the discharge of regulated wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Industrial Waste Section a report containing the following information:

1. Flow Measurement. Average daily and maximum daily flows from regulated process wastestreams [and other wastestreams if the combined wastestream formula is to be used].
2. Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of at least one composite sample, representative of daily operations, and analysis identifying the concentration [or mass where required by the Standard] of regulated pollutants in the discharge from each regulated process. For any user subject to categorical pretreatment standards expressed in terms other than concentration [such' as production based standards], the report shall include all the information necessary in order to make the appropriate calculation and determination of compliance.
 - (c) A minimum of four (4) grab samples must be used for any of the following applicable standards: pH, cyanide, total phenols, oil and grease, sulfide and volatile organics.
 - (d) Time, date, place of sampling and methods of analysis.
3. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

Section 12 - Categorical SIU Reporting of Self-Monitoring Violation/Repeat Sampling

If sampling performed by a Categorical Significant Industrial User indicates a violation, the SIU shall notify the Industrial Waste Section within 24 hours of becoming aware of the violation. The Categorical SIU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the IWS within 30 days after becoming aware of the violation, except the SIU is not required to resample if:

1. The Industrial Waste Section performs sampling at the SIU at a frequency of at least once per month; or
2. The Industrial Waste Section performs sampling at the SIU between the time when the SIU performs its initial sampling and the time when the SIU receives the results of this sampling.

Section 13 - Categorical SIU Dilution Prohibition

Except where expressly authorized to do so by an applicable Pretreatment Standard or requirement, no categorical Significant Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Industrial Waste Section may impose mass limitations on Industrial Users which are using dilution to meet application Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.

Section 14 - Categorical SIU Affirmative Defense to Discharge Violations

An "Upset" shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of the following paragraph are met:

- A. A user who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An Upset occurred and the user can identify the cause(s) of the Upset;
 - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - 3. The user has submitted the following information to the POTW and/or Industrial Waste Section within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
 - (i) a description of the indirect discharge and cause of noncompliance;
 - (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (iii) steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- B. In any enforcement proceeding the user seeking to establish the occurrence of an Upset shall have the burden of proof.

ARTICLE V - OTHER WASTEWATER DISCHARGE PERMITS AND DOCUMENTS

The permits and documents outlined in this article are issued under the authority of this ordinance and, as such, are subject to all of the general requirements, enforcement provisions and administrative procedures established herein.

Section 1 - Industrial User Discharge Permit

Industrial User Discharge Permits are issued to users who do not meet the definition of "Significant Industrial User" but, who, in the opinion of the Industrial Waste Section, still need to be permitted and/or monitored.

Industrial User Discharge Permits are local permits and are not a part of the federally mandated pretreatment program. Industrial User permits may contain pollutant limits and/or local pollutant allocations. All limits and allocations are established on a case-by-case basis.

The Industrial Waste Section may require any user to apply for an Industrial User Discharge Permit.

Section 2 - Local Pollutant Allocation Document

Local Pollutant Allocation Documents are issued by the Industrial Waste Section to Significant Industrial Users for the control of any pollutants of concern not required to be limited in the SIU permit. The allocations are determined on a case-by-case basis in accordance with the City of Greensboro Local Pollutant Allocation Policy. Local Pollutant Allocation Documents are issued in conjunction with a Significant Industrial User Permit. No specific document application is required and request for renewal of a Significant Industrial User Permit is an automatic request for renewal of the Local Pollutant Allocation Document.

Local Pollutant Allocation Documents are local control mechanisms and are not a part of the federally mandated pretreatment program.

Section 3 - Groundwater Discharge Permits

- A. Groundwater Remediation Discharge Permit - The City of Greensboro Industrial Waste Section may issue Groundwater Remediation Discharge Permits for the discharge of groundwater from on-going groundwater remediation projects. Any person who desires to discharge groundwater from a remediation site must submit a Groundwater Discharge Permit Application. All groundwater discharge permits contain limits and self-monitoring requirements. All such users shall pay any applicable charges or fees on the volume allocated in the permit plus an administrative fee. The City of Greensboro's commitment to accept the groundwater remediation discharge is limited to the duration of the permit. Groundwater Remediation Discharge Permits are local permits and are not a part of the federally mandated pretreatment program.
- B. Aquifer Test Temporary Discharge Permit - The City of Greensboro Industrial Waste Section may issue temporary permits for discharge of groundwater from aquifer tests. Any person who desires to discharge such groundwater must submit an Aquifer Test Discharge Permit application.

Section 4 - Temporary Special Wastewater Discharge Permit

The City of Greensboro Industrial Waste Section may issue Temporary Special Wastewater Discharge Permits for certain one-time short term wastewater discharges that are not typical of the usual wastewater discharged by a user. Special discharge fees are associated with this permit and in addition, the user is responsible for the cost of any laboratory analyses requested by the Industrial Waste Section. The limits and conditions contained in a Special Wastewater Discharge Permit are developed on a case-by-case basis. Any person or company who proposes to discharge a special wastewater must submit a permit application for a Special Wastewater Discharge Permit. The Industrial Waste Section Supervisor may deny a request for a Special Wastewater Discharge Permit for any reason. The decision of the Industrial Waste Section Supervisor is final. The denial of a Special Wastewater Discharge Permit cannot be appealed.

Special Wastewater Discharge Permits are local permits and are not a part of the federally mandated pretreatment program.

Section 5 - Letter of Acceptance Document

The Industrial Waste Section may issue a Letter of Acceptance Document for an on-going discharge of a very insignificant wastestream. A Letter of Acceptance Document is valid indefinitely as long as the volume and characteristics of the waste described in the document remain the same. Any limits and conditions included in a Letter of Acceptance are developed on a case-by-case basis. The user is responsible for the cost of any laboratory analysis requested by the Industrial Waste Section.

Letter of Acceptance Documents are local control mechanisms and are not a part of the federally mandated pretreatment program.

Section 6 - Other permits and documents

The Industrial Waste Section Supervisor is authorized to develop and issue other types of permits and documents as necessary to control discharges to the City of Greensboro POTWs. In addition, the Industrial Waste Section Supervisor is authorized to temporarily or permanently, revoke or suspend issuance of any type of permit at any time in order to protect the POTWs from pass through or interference or in-order to maintain compliance with any NPDES permit requirement or pretreatment program requirement.

Section 7 - Special Arrangements

Except as subject to the provisions of the Clean Water Act and the City of Greensboro NPDES permits, no statement contained in this ordinance shall be construed as preventing any special arrangement or agreement between the City and any user whereby water or wastewater of unusual strength, character, or quantity may be discharged into the municipal wastewater system upon such terms and conditions as the Industrial Waste Section deems appropriate. The granting of a special discharge or waiving of a provision at one time shall not prohibit the denial of a special discharge or enforcement of the waived provision at a later date.

ARTICLE VI - SEPTAGE DISCHARGES

The purpose of this article is to outline the procedures for discharging excess sludge from domestic septic tank systems, domestic biological treatment plants with an NPDES permit, wastewater from portable sanitary privies and recreational vehicle holding tanks.

Section 1 - Permit Requirement

Any company or person that proposes to use the City of Greensboro POTW for the discharge of excess sludge from domestic septic tank systems, domestic biological treatment plants with an NPDES permit or wastewater from portable sanitary privies shall apply for and receive a Septage Hauler Discharge Permit from the Industrial Waste Section. Any hauler who discharges to the POTW without a Septage Hauler Discharge Permit shall be in "significant noncompliance" with this ordinance and is subject to applicable enforcement action.

Section 2 - State Permit Requirement

Any company or person that wishes to obtain a Septage Hauler Discharge Permit from the City of Greensboro Industrial Waste Section for the discharge of excess sludge from domestic septic tank systems, domestic biological treatment plants with an NPDES permit or wastewater from portable sanitary privies must have a valid "Permit to Operate A Septage Management Firm" issued by the State of North Carolina Department of Environment, Health and Natural Resources Solid Waste Division.

Section 3 - Point of Discharge

Any company or person that discharges excess sludge from domestic septic tank systems, domestic biological treatment plants with an NPDES permit or wastewater from portable sanitary privies into the POTW at any point other than the designated discharge location at the North Buffalo Wastewater Treatment Facility without prior written permission from the Industrial Waste Section shall be in "significant noncompliance" with this ordinance and is subject to applicable enforcement actions.

Section 4 - Industrial Waste Discharge Prohibited

Any hauler who discharges "industrial waste" to the POTW without first obtaining a "Special Discharge Permit" for the specific waste shall be in "significant noncompliance" with this ordinance and is subject to applicable enforcement action.

Section 5 - Record Keeping

The hauler shall provide complete and accurate information as to the origin of the waste. The hauler shall provide any other information pertaining to the waste as requested by the Industrial Waste Section. Falsification of information included in the permit application, on the permit tickets or falsification of any other information requested by the Industrial Waste Section is hereby defined as "significant noncompliance" for the purposes of enforcement.

Section 6 - Permit Tickets

Haulers shall purchase books of permit tickets from the City to enable them to discharge wastes at the North Buffalo Wastewater Treatment Plant. The driver of the septage hauler vehicle shall present the completed ticket to the operator on duty. The permit ticket shall include the name of the driver, the date and time of discharge and the name, address and telephone number of the owner of each premises where the waste was collected.

Section 7 - Sanitation and Safety Standards

Each hauler who discharges waste to the North Buffalo Wastewater Facility shall be responsible for the cleanliness and safety practices at the point of disposal. It shall be the responsibility of the hauler to discharge wastes in such a manner as to keep the area clean from spills or other debris. Any spills shall be promptly cleaned up. The hauler is also responsible for keeping the vehicle and related equipment clean and in good repair while being used for disposal to the sanitary sewer system.

Section 8 - Monitoring

Spot checks of hauled wastes shall be made at the discretion of the City. The hauler is responsible for ensuring that all wastes brought to the POTW are in compliance with all of the general discharge provisions of this ordinance. Should laboratory analyses indicate that any hauled waste violates an article or section of this ordinance the hauler is subject to the enforcement actions outlined in Article VII of this ordinance.

The Industrial Waste Section can require any hauler to conduct additional analyses on a suspect waste.

Section 9 - Permit Revocation

Any permit issued in accordance with this ordinance will be subject to revocation by the Industrial Waste Section on the basis of improper permit number and capacity displayed on the vehicle, failure to pay proper charges, use of other than authorized disposal site, failure to meet sanitation standards, discharging industrial waste and falsification of information.

Section 10 - Wastewater from Recreational Vehicle Holding Tanks

No permit or permit ticket shall be required to discharge domestic waste from a recreation vehicle holding tank provided such discharge is made at the approved site at the North Buffalo Wastewater Treatment Facility.

ARTICLE VII - ENFORCEMENT

ENFORCEMENT RESPONSE PLAN

Section 1 - Enforcement Response Plan

As required by the Federal pretreatment regulations, the City of Greensboro Industrial Waste Section shall develop and implement an Enforcement Response Plan. The plan shall contain detailed procedures indicating how the City of Greensboro Industrial Waste Section will investigate and respond to instances of industrial user noncompliance.

The plan shall:

- A. Describe how the IWS will investigate instances of noncompliance;
- B. Describe the types of escalating enforcement responses the IWS will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- C. Identify the official(s) responsible for each type of response;
- D. Adequately reflect the IWS primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in the Pretreatment Program Requirements for Legal Authority and Procedures.

The purpose of the Enforcement Response Plan is to comply with the Federal Pretreatment regulation requirement and to provide an enforcement framework document to ensure that the IWS takes fair, consistent and equitable enforcement actions against industrial users that violate pretreatment standards and requirements. The Enforcement Response Plan document is a statement of policy by the City of Greensboro Industrial Waste Section. It is not a regulation, code or statute and the Industrial Waste Section Supervisor has the authority to amend the policy at any time in order to more effectively implement the requirements of the Federal pretreatment regulations, the City of Greensboro local pretreatment program or the City of Greensboro Sewer Use Ordinance. Any amendment, however, is subject to approval by the State OEM Pretreatment Section.

The City of Greensboro's enforcement philosophy is progressive; that is, problems are addressed at the lowest level and with the least formality possible consistent with the specific problem. However, no enforcement procedure is contingent upon the completion of any "lesser" activity. Nothing in this section shall limit the authority of the Industrial Waste Section Supervisor to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation or other less formal action

The City of Greensboro is authorized to respond to take the following actions in instances of noncompliance. The response to any instance of noncompliance will generally follow the policies set forth in the Enforcement Response Plan.

ADMINISTRATIVE ENFORCEMENT REMEDIES

Section 2 - Informal Enforcement Activities

The City of Greensboro is authorized to take the following informal actions in response to instances of noncompliance. No "formal" enforcement procedure is contingent upon the completion of any lesser, or informal procedure:

- Informal Notice of Violation
- Enforcement Meeting
- Initiation of Self-Monitoring or Increase in Self-Monitoring
- Employee Training Requirement
- Installation of additional monitoring equipment

The Industrial Waste Section is authorized to develop and implement any other innovative informal actions as necessary to ensure compliance with pretreatment standards, permit/document limits, local allocations or any other ordinance requirement.

Section 3 - Formal Notice of Violation or Notice of Significant Noncompliance

Whenever the Industrial Waste Section finds that any industrial user has violated or is violating this Ordinance, a wastewater discharge permit/document, or any prohibition, limitation or requirements contained herein, the Industrial Waste Section Supervisor may serve upon such a person a written notice stating the nature of the violation. Within fifteen (15) days from the date of this notice, a plan for the satisfactory correction thereof shall be submitted to the IWS by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the Notice of Violation or Notice of Significant Noncompliance.

Section 4 - Consent Orders

The Industrial Waste Section Supervisor or designee is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 6 of this Article and shall be judicially enforceable.

Section 5 - Show Cause Hearing

The Industrial Waste Section Supervisor may order any industrial user who causes or is responsible for an unauthorized discharge or other violation(s) to show cause why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action and, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

The Industrial Waste Section Supervisor shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under the section nor is any action or inaction taken by the Industrial Waste Section Supervisor under this section subject to an administrative appeal under Article VIII of this ordinance.

Section 6 – Administrative Order

When the Industrial Waste Section Supervisor finds that an industrial user has violated or continues to violate the ordinance, permits or orders issued hereunder, or any other pretreatment requirement, the Industrial Waste Supervisor may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

1. Immediately comply with all requirements;
2. Comply in accordance with a compliance time schedule set forth in the order
3. Take appropriate remedial or preventive action in the event of a continued or threatened violation;
4. Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

Administrative orders may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW.

Section 7 – Emergency Situations

The Industrial Waste Section Supervisor may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. A hearing will be held within 15 days of the Notice of Suspension to determine whether the suspension may be lifted or the user's wastewater permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the IWS Supervisor shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The IWS Supervisor shall reinstate the wastewater discharge permit and/or the wastewater service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the IWS Supervisor prior to the date of the above described hearing.

Section 8 - Revocation of Permit

Any user who violates the conditions of this ordinance, conditions of a permit, or applicable State and Federal regulations is subject to having its permit revoked. Violations subjecting a user to revocation of its permit include, but are not limited to, the following:

1. Failure to factually report the wastewater constituents and characteristics of the discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
4. Violation of violations of the permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under Section 5 of this Article why the proposed action should not be taken. However, notwithstanding any other provisions of this article, the Industrial Waste Section Supervisor or designee may in their sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the health or welfare of persons.

Section 9 - Civil Penalties

Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty of up to ten thousand dollars (\$10,000.00) per day per violation.

In determining the amount of civil penalty, the Industrial Waste Section Supervisor shall consider the following:

- A. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- B. The duration and gravity of the violation;
- C. The effect on ground or surface water quality or on air quality;
- D. The cost of rectifying the damage;
- E. The amount of money saved by noncompliance;
- F. Whether the violation was committed willfully or intentionally;
- G. The prior record of the violator in complying or failing to comply with the pretreatment program;
- H. The cost of enforcement of the City of Greensboro.

Appeals of civil penalties assessed in accordance with the section shall be as provided in Article VIII of this ordinance.

Section 10 - Injunctive Relief

Whenever a user is in violation of the provisions of this ordinance or an order or permit issued hereunder, the Industrial Waste Section Supervisor, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

OTHER ENFORCEMENT PROVISIONS

Section 11 - Water Supply Severance

Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense after it has satisfactorily demonstrated ability to comply.

Section 12 - Public Nuisances

Any violation of the prohibitions or effluent limitations of this ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Industrial Waste Section Supervisor. Any person(s) creating such public nuisances shall be subject to the provisions of the City of Greensboro Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

Section 13 - Public Notice of Significant Noncompliance

In compliance with Federal and State requirements, all Significant Industrial Users (SIUs) found to be in "Significant Noncompliance" shall be published as outlined in Article IV, Section 8 of this Ordinance. Users other than SIUs may also be published. The City of Greensboro Industrial Waste Section may declare any violation of any provision of this ordinance or an order or permit/document issued hereunder as a "significant violation" and declare the user to be in "significant noncompliance". The IWS may publish the name of any user in significant noncompliance in the News and Record and any applicable details as to the violation and resulting enforcement actions. The IWS may also require significant violator(s) to advertise at their own expense concerning their noncompliance and the enforcement actions taken against them. The text of any self-notification will be edited and approved by the IWS.

Section 14 - Reinstatement of Permit

Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the Industrial Waste Section may require, and pay any delinquent fees and all fines, charges, and other costs occasioned by the violation(s). Costs shall include, but not be limited to: inspection, monitoring, sampling and related expenses; restitution to other affected parties; attorney's fees incurred by the City in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual charges and costs shall be paid for by the user before any new permit will be issued.

REMEDIES NONEXCLUSIVE

Section 15 - Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Industrial Waste Section Supervisor may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Greensboro Industrial Waste Section Enforcement Response Plan. However the Industrial Waste Section Supervisor may take other action against any user when the circumstances warrant. Further, the Industrial Waste Section Supervisor is empowered to take more than one enforcement action against any noncompliant user.

CRIMINAL PENALTIES

Section 16 - Criminal Penalties

The Industrial Waste Section Supervisor may refer any applicable violation(s) to the Greensboro Police Department or the Federal Bureau of Investigation for criminal prosecution.

ARTICLE VIII – APPEALS

Section 1 - Reconsideration Petition

- A. Any user may petition the Industrial Waste Section Supervisor to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance or denial.
- B. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- C. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- D. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- E. If the Industrial Waste Section Supervisor fails to act within fifteen (15) days of receipt, a request for reconsideration shall be deemed to be denied.

Section 2 - Initial Appeal Hearing

- A. An applicant whose permit is denied, or is granted subject to conditions deemed unacceptable, a permittee/user assessed a civil penalty under Article VII, Section 9, or one issued an administrative order under Article VII, Section 6 shall have the right to a hearing before the Wastewater Treatment Manager upon making written demand, to the Industrial Waste Section, identifying the specific issues to be contested, within thirty (30) days following receipt of the permit/document, civil penalty assessment, or administrative order.
- B. Unless such written demand is made within the time specified herein, the action shall be final and binding.
- C. The Wastewater Treatment Manager shall make a final decision on the contested permit, penalty or order within thirty (30) days of the receipt of the written demand for a hearing.
- D. The Industrial Waste Section shall transmit a copy of the Wastewater Treatment Manager's decision by registered or certified mail.

Section 3 - Final Appeal Hearing

- A. Any decision by the Wastewater Treatment Manager made as a result of a hearing held under Section 2 above may be appealed to the City of Greensboro Public Utilities Director upon filing a written demand within ten (10) days of receipt of notice of the decision.
- B. Failure to make written demand within the time specified herein shall bar further appeal.
- C. The Public Utilities Director shall make a final decision on the appeal within thirty (30) days of the date the appeal was filed and shall transmit a written copy of the decision by registered or certified mail.
- D. The decision of the Public Utilities Director shall be considered the final administrative action for purposes of judicial review.

Section 4 - Judicial Review

Any user may seek judicial review of a final administrative decision by the Public Utilities Director by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail, but not thereafter, with the Superior Court of Guilford County along with a copy to the City of Greensboro. The appeal shall be in the nature of certiorari.

ARTICLE IX - FEES AND CHARGES

Section 1 - Authority to Establish Fees and Charges

It is the purpose of this section to provide for the recovery of costs from users of the City of Greensboro sanitary sewer system for the implementation of the program established herein and for the construction, operation and maintenance of said system. The City of Greensboro will adopt charges and fees which may include:

1. Service connection fees
2. User charges
3. Fees for monitoring, inspections and surveillance procedures
4. Fees for reimbursement of costs of setting up and operating the pretreatment program
5. Fees for permit/document applications or permits/documents
6. Groundwater remediation discharge fees
7. Fees for the acceptance of domestic septic tank sludge, treatment plant waste sludge or wastewater from portable sanitary privies
8. Fees for the acceptance of special wastes
9. Industrial Waste Surcharges
10. Other fees as the City of Greensboro deems necessary to carry out the requirements contained herein

Section 2 - Industrial Waste Surcharges

In addition to the sewer service charge, all industrial users of the POTW are subject to industrial waste surcharges. A surcharge will be assessed on discharges which exceed a concentration of 200 mg/l Biochemical Oxygen Demand and 200 mg/l Total Suspended Solids. The amount of the surcharge will be based upon the mass emission rate (in pounds per day).

- A. The Industrial Waste Section shall evaluate the surcharge monitoring schedule annually. Sampling frequency shall be based on water consumption and pollutant concentrations.
- B. The amount charged per pound of excess will be set forth in the schedule of charges and fees.
- C. The Industrial Waste Section shall calculate the surcharge per unit from representative composite samples. One sampling event shall consist of a minimum of three (3) composite samples.
- D. The Industrial Waste Section shall establish a surcharge on all laundries and restaurants based on a set cost per unit. The amount charged per unit will be set forth in the schedule of charges and fees.

The Industrial Waste Section reserves the right to establish surcharges for other pollutants or other industrial categories.

Section 3 - User Charge and Fee Schedules

All charges, fees and other penalties shall be published in schedules separate from this Ordinance and may be revised from time to time as the City of Greensboro finds necessary for maintenance of the purposes described herein.

ARTICLE X - CONFIDENTIAL INFORMATION

Section 1 - Disclosure of Information

The Industrial Waste Section Supervisor is authorized to obtain information concerning industrial processes which have a direct bearing on the kinds and sources of discharges to the City of Greensboro POTW. As required by Federal regulations, industrial users must disclose information on processes; however, such information as the user considers to be Confidential will be maintained Confidential and not be permitted to become an advantage to competitors.

Section 2 - Public Access to Information

The Industrial Waste Section has a written public information policy, following information and documents are available under this policy:

- A. SIU Wastewater Discharge Permits
- B. City of Greensboro Significant Industrial User List
- C. Significant Industrial User Permit Application Forms
- D. SIU Effluent Monitoring Data

Section 3 - Method and Time of Asserting Confidentiality Claims

An industrial user who is submitting information or a wastewater discharge permit/document application to the Industrial Waste Section may assert a confidentiality claim covering the information by placing on or attaching to the information at the time it is submitted to the IWS, a stamped or typed legend employing language such as "Trade Secret", "Proprietary" or "Company Confidential". Allegedly confidential portions of otherwise nonconfidential documents should be clearly identified by the user and may be submitted separately to facilitate handling by the IWS. If the user desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

ARTICLE XI - LEGALITY

Section 1 - Severability

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance.

Section 2 - Repeal of Previous City of Greensboro Sewer Use Ordinance

The City of Greensboro North Carolina Wastewater Usage and Pretreatment Ordinance - Section 37 of the Rules and Regulations For the Consolidated Water and Sanitary Sewerage System adopted in 1981, is hereby repealed.

Section 3 - Conflict

All other ordinances and regulations and parts of other ordinances and regulations inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 4 - Amendments

The City of Greensboro expressly reserves the right to amend, modify, rescind, or supplement this Ordinance.

ARTICLE XII - ADOPTION AND EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law on September 29, 1994.